

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JONATHAN JOY,

10 Plaintiff,

11 v.

12 SAINT CLAIR,

13 Defendant.

CASE NO. C18-0143-JCC

MINUTE ORDER

14
15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. On February 9, 2018, Magistrate Judge
18 Brian Tsuchida granted Plaintiff's motion to proceed *in forma pauperis* and recommended the
19 complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons.
20 (Dkt. No. 2).

21 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*
22 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or
23 seeks monetary relief from a defendant who is immune from such relief. Federal Rule of Civil
24 Procedure 8 provides that in order to state a claim for relief, a pleading must contain "a short and
25 plain statement of the grounds for the court's jurisdiction" and "a short and plain statement of the
26 claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(1) & (2). At a minimum,

1 a complaint must put a defendant on notice of the wrong he or she committed against the
2 plaintiff. *See McHenry v. Renne*, 84 F.3d 1172, 1180 (9th Cir. 1996).

3 In review of Plaintiff's complaint, the Court does not find it contains a short and plain
4 statement of the claim showing he is entitled to relief or that it places Defendant on notice of the
5 claims against him. This is true even when the Court applies the Ninth Circuit's directive to
6 liberally construe *pro se* complaints. *See Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010).
7 Plaintiff names as defendant "Saint Clair," a judge, and sues him in his official capacity. (Dkt.
8 No. 3 at 1–3.) However, he does not explain how Defendant acted under color of state, local, or
9 federal law. (*Id.* at 5–6.) Plaintiff alleges that his rights to "privacy, anonymity, judicial matters"
10 were violated. (*Id.* at 5.) He states that "a fight happened in [grade] school" and he "lied to a
11 federal agency." He further indicates that the fight occurred when a classmate "made advances
12 towards [him]" in a school restroom and he hit the classmate, resulting in future bullying. (*Id.*)
13 Plaintiff does not allege how the named Defendant caused him to be harmed or how this
14 occurrence gave rise to Plaintiff's claim. Although the Court finds the complaint fails to state a
15 claim upon which relief can be granted, it will not dismiss a claim unless "it is absolutely clear
16 that no amendment can cure the [complaint's] defects." *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248
17 (9th Cir. 1995) (citation omitted).

18 Accordingly, the Court ORDERS that Plaintiff shall file an amended complaint no later
19 than twenty-one (21) days from the date of this order. In his amended complaint, Plaintiff must
20 include a short and plain statement of how the named Defendant caused him harm, how the
21 named Defendant acted under color of local, state, or federal law, where the harm occurred, and
22 when the harm occurred.

23 The Clerk is DIRECTED to mail a copy of this order to Plaintiff at 1805 S. 281st Place
24 #137, Federal Way, WA 98003.

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1 DATED this 9th day of January 2018.

2 William M. McCool
3 Clerk of Court

4 s/Tomas Hernandez
5 Deputy Clerk